

**To:** Ostrander, David[Ostrander.David@epa.gov]  
**Cc:** Way, Steven[way.steven@epa.gov]  
**From:** Russo, Rebecca  
**Sent:** Thur 10/22/2015 9:48:06 PM  
**Subject:** RE: SEPW QFRs from Sept. 16, 2015 GKM hearing

One additional:

6. In early 2011, the owner of the Gold King Mine, the Mogul Mine, and Part of the Red and Bonita Mine (Todd Hennis, doing business as the San Juan Corp.) apparently withdrew permission for EPA to access the mine sites. In May 2011, EPA issued an order under CERCLA to obtain access to the Red and Bonita, Gold King, and Mogul mines to conduct field investigation, drill holes and install monitoring wells, and take soil and water samples. Please describe what, if any holes were drilled and monitoring wells installed, and water samples taken at the Gold King Mine site pursuant to this order.

Rebecca A. Russo

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**From:** Russo, Rebecca  
**Sent:** Thursday, October 22, 2015 3:18 PM  
**To:** Ostrander, David  
**Cc:** Way, Steven  
**Subject:** FW: SEPW QFRs from Sept. 16, 2015 GKM hearing

Hi David,

These are questions that we received from Senator Inhofe that I believe fall under your shop. HQ is asking for a response by 11/4. I cc'd Steve since I know you are going to be out on travel a lot.

Thanks,

Rebecca

3. According to the March 20, 2013, Removal Site Evaluation for the Red and Bonita Mine, a well was drilled from above the collapsed entrance to test for water pressure. (a) How much did it cost to drill the test well and perform the water pressure test at the Red and Bonita Mine? (b) The September 24, 2014, action memorandum approving funding for a removal action at the Red and Bonita Mine estimates that the removal work at the Red and Bonita Mine site would cost about \$1.7 million. Does that figure include the costs for performing any work at the Gold King Mine site?
4. The August 8, 2015 Summary Report of EPA's Internal Review of the Gold King Mine Blowout states that EPA and its contractors were unable to drill a well at the Gold King Mine site to test water pressure at the collapsed mine entrance because of the time, cost, and site conditions. Please explain how similar site conditions, timing, and cost considerations did not prevent drilling a test well at the Red and Bonita Mine site.
5. The removal action at the Red and Bonita Mine (including the action at the Gold King Mine site) was designated as time-critical. However, investigative work at the site began around 2010, the collapsed mine portal was rebuilt in 2013, and work to install a bulkhead was approved in 2014. Please explain why the Red and Bonita Mine site was designated as "time-critical" when work at the site has been conducted over several years and is ongoing. In your response, please identify applicable statutory requirements, regulations, policies, and guidance documents concerning the factors used to designate a removal as time-critical as opposed to non-time-critical.
7. An Engineering Evaluation/Cost Analysis (EE/CA) is required for non-time-critical removal actions. As the removal action at the Red and Bonita Mine (and the Gold King Mine) was designated as "time-critical," no such EE/CA was required to be conducted. Please describe whether any engineering assessment was performed at the Red and Bonita Mine (and the Gold King Mine) to assess the safety of the work site.
8. In May 2015, Environmental Restoration, LLC (EPA's contractor) developed a work plan for the Gold King mine that stated, in part, "[c]onditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals." To address the water volume, Environmental Restoration planned to install a pipe (called a "stinger") through the collapsed mine entrance so water could be pumped and treated. Please describe the process used by EPA to evaluate the technical merits and safety of this work plan, including whether any of the

EPA personnel who participated in this review (a) were mining engineers and (b) personnel from the Office of Emergency Management participated in reviewing and/or approving the work plan.

10. Please explain why the Health and Safety Plan at page 22 refers to the “Concord Chemical Site” instead of the Red and Bonita Mine or Gold King Mine sites.

11. Although the health and safety plan for the Red and Bonita Mine site stated that a satellite phone would be available for emergency communication purposes, no such device was present at the Gold King Mine site, and workers there were unable to notify the National Response Center or emergency personnel from the blowout location. What are the requirements, policies, and procedures concerning the deployment and use of communication equipment, including satellite phones, for emergency notification purposes by on-scene coordinators and other EPA or contractor staff performing removal actions?

15. DOI announced on August 20, 2015, that the Bureau of Reclamation would lead its review of the Gold King Mine spill. According to EPA documents and press reports, the Bureau of Reclamation has not cooperated with EPA’s efforts to address contaminated mine water and to clean up the California Gulch Superfund Site in Leadville, Colorado. For example, in 2008 Lake County, Colorado, commissioners declared a state of emergency over concerns about the buildup of contaminated mine water at the Bureau of Reclamation’s Leadville Mine Drainage Tunnel. (See, [http://www.nytimes.com/2008/02/28/us/28leadville.html?\\_r=0](http://www.nytimes.com/2008/02/28/us/28leadville.html?_r=0).) In another example, EPA was forced to revise its remedy to clean up Operable Unit 6 for the California Gulch Superfund Site because Reclamation would not cooperate. (See, [ftp://ftp.epa.gov/r8/calgulch/OU6/RODFeasibilityStudiesRIFS/CG\\_OU6RODAmendmentSep2010.pdf](ftp://ftp.epa.gov/r8/calgulch/OU6/RODFeasibilityStudiesRIFS/CG_OU6RODAmendmentSep2010.pdf). Please describe the basis for Reclamation’s objections and efforts to resolve the disagreements about Reclamation’s cleanup responsibility for the California Gulch Superfund Site, including any involvement by the White House.

17. Were you (Administrator McCarthy) aware of the issues involving the Bureau of Reclamation’s Leadville Mine Drainage Tunnel when you decided to request the Department of the Interior to conduct the independent review of the Gold King Mine spill?

22. Concerns have been raised by downstream water users that they were not given timely notice of the blowout and the potential risks associated with the flow of contaminated water. What steps, if any, did EPA take to ensure that downstream entities, including state, county, local and Tribal governments, water and irrigation districts, and agricultural users, were properly notified of the blowout? In your response, please specify when and how EPA provided notice to the Navajo Nation and the Southern Ute Nation.

24. Under CERCLA section 119, EPA may indemnify contractors for damages caused by negligence of a contractor working on a removal action. Did EPA indemnify any of the contractors working at the Gold King Mine site?

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**From:** Russo, Rebecca  
**Sent:** Wednesday, October 21, 2015 3:00 PM  
**To:** R8 GKM Leadership Team  
**Cc:** Levine, Carolyn  
**Subject:** SEPW QFRs from Sept. 16, 2015 GKM hearing

Hi all,

We have been asked to prepare responses to several questions posed by Chairman Inhofe following the 9/16 Senate Hearing. Please see the attached 7 page document and the assignment list below. Please review before tomorrow's GKM LT meeting and we can discuss assignments. I will consolidate all responses for HQ.

Thanks,

Rebecca

Chairman Inhofe QFRs:

Q1-OSWER

Q2- OSWER

Q3- R8

Q4- R8

Q5- R8/OSWER

Q6- R8

Q7- R8

Q8- R8

Q9- OSWER

Q10- R8

Q11- R8/OSWER

Q12- OSWER/AO

Q13- OSWER

Q14-R8/OSWER

Q15- R8/OSWER

Q16- R8

Q17- R8/OSWER

Q18- OSWER/OCIR

Q19- 21- OSWER

Q22- R8/OSWER

Q23- OSWER

Q24- R8

Q25- 27- OGC

Q28- Q35- OSWER

Q36- OW

Q37- OSWER/OECA

Q38- Q39- OSWER

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